

## APPEAL NO. 010611

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 27, 2001. With respect to the single issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the ninth quarter. In her appeal, the claimant essentially argues that the hearing officer's determinations that she had some ability to work in the qualifying period, that she did not make a good faith effort to look for work, and that she is not entitled to SIBs for the ninth quarter are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (self-insured) urges affirmance.

### DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the ninth quarter, which ran from October 27, 2000, to January 25, 2001, and had a corresponding qualifying period of July 15 to October 13, 2000. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)) provides that an injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee "has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work." The hearing officer determined that there was no narrative report that explained how her injury caused a total inability to work and that another record shows that the claimant is able to work. The hearing officer was acting within his province as the fact finder under Section 410.165(a) in making those determinations. Nothing in our review of the record demonstrates that the hearing officer's determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. As such, we will not disturb those determinations, or the determination that the claimant is not entitled to SIBs for the ninth quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge